

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA and the STATE
OF NEW JERSEY,

EX REL. [UNDER SEAL],

Plaintiffs,

vs.

[UNDER SEAL],

Defendants.

Civil Action No. _____

FILED UNDER SEAL

**MOTION FOR LEAVE TO FILE
COMPLAINT UNDER SEAL**

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WILLIAM T. WALSH, CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA and the STATE
OF NEW JERSEY,

EX REL. W. CLARK LAMBERT, MD, PhD

Plaintiffs,

vs.

DERMONE DERMATOLOGY ASSOCIATES OF
NEW JERSEY, P.C., DERMONE, LLC, DIANON
PATHOLOGY and LABORATORY
CORPORATION OF AMERICA,

Defendants.

Civil Action No. _____

FILED UNDER SEAL

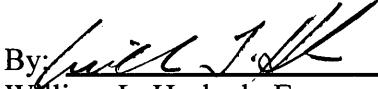
**MOTION FOR LEAVE TO FILE
COMPLAINT UNDER SEAL**

Plaintiff and Relator, by and through his attorneys, respectfully requests leave of this Court to file his Original Complaint against defendants DermOne Dermatology Associates of New Jersey, P.C., DermOne, LLC, Dianon Pathology and Laboratory Corporation of America (collectively: "Defendants") by conventional means, not electronically, and *under seal*.

Relator's Original Complaint alleges, *inter alia*, violations of the Federal False Claims Act, 31 U.S.C. 3729-3733, and is here being filed pursuant to §3730(b) of the Act which allows a private Relator to commence an action on his behalf and on behalf of the United States. In such circumstances, a "private litigant must initially serve the complaint on the Government under seal." *Rodriguez v. Our Lady of Lourdes Medical Center*, 552 F. 3d 297, 301 (3d Cir. 2008). Section 3730(b)(2) of the Act specifically provides that such a suit "shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders."

Accordingly, Relator respectfully requests that this Court grant him leave to file the enclosed Original Complaint by conventional means, not electronically, and *under seal*.

Respectfully submitted,

By: 

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